

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NITHYA VINAYAGAM,
Plaintiff,
v.
ANDREW PIERCE, et al.,
Defendants.

Case No. 22-cv-05281-TLT

ORDER TO SHOW CAUSE

Re: Dkt. No. 12

Plaintiff filed the instant action against Defendants Andrew Pierce, Scott Berman, Jacquetta Lannan, Thomas Mihill, Pierce Sherer LLP, and The Adams Law Offices in the Superior Court for the County of San Mateo on September 27, 2021. Dkt. No. 1 at 6. Plaintiff filed a first amended complaint against Defendants Andrew Pierce, Pierce Shearer LLP, Scott M. Berman, Thomas Mihill, Jacquetta Lannan, Paul M. Heller, and Heller Immigration Law Group on June 22, 2022. Defendants Pierce Shearer LLP, Andrew Pierce, Scott Berman, and Jacquetta Lannan (“Pierce Shearer”) thereafter removed the action to this Court based on federal question jurisdiction based on 28 U.S.C. § 1331. *Id.* at 2. Pierce Shearer then moved to dismiss the complaint for failure to state a claim under Federal Rules of Civil Procedure 12(b)(6) and failure to plead fraud with particularity under Federal Rules of Civil Procedure 9(b). Dkt. No. 12. Plaintiff’s opposition to the motion to dismiss was due on October 7, 2022. However, Plaintiff has not filed an opposition or statement of non-opposition.

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** as to why this action should not be dismissed for failure to prosecute. *See* Fed. R. Civ. P. 41(b). Plaintiff shall simultaneously show cause and file her opposition or statement of non-opposition to the motion to dismiss on or before October 31, 2022. The November 8, 2022 hearing date for the motion to dismiss is **VACATED** and

1 will be reset if necessary upon the filing of Plaintiff's opposition. Failure to comply with this
2 Order may result in the dismissal of this action without further notice.


3 Plaintiff has not noticed the Court of any difficulty in receiving filings in this action. If
4 that were the case, however, Plaintiff may formally request to receive, not file, electronic noticing
5 of activity on this action's docket by email.

6 As Plaintiff is *pro se*, the Court refers Plaintiff again to the Court's website, including the
7 webpage "Representing Yourself" located at <https://www.cand.uscourts.gov/pro-se-litigants/>. In
8 particular, the Court directs Plaintiff to the Court's "Basic Information on Filing and Clerk's
9 Office Hours and Services," linked at <https://www.cand.uscourts.gov/cases-e-filing/>. The Court
10 reminds Plaintiff that it will not entertain *ex parte* communications.

11 **IT IS SO ORDERED.**

12 Dated: October 20, 2022

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TRINA L. THOMPSON
United States District Judge